

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the  
District of Puerto Rico  
Division

Case No. 23-1493 (PAD)  
(to be filled in by the Clerk's Office)

Virna Lisys Ruiz Rivera

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MVM Inc.  
I.C.E Immigration and Customs Enforment

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☐ Yes ☐ No

RECEIPT # 108084  
AMOUNT: \$402.00  
OCT - 2 2023  
CASHIER'S SIGNATURE

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Virna Lisys Ruiz Rivera		
Address	Urb. Alturas de Utuado 874 Cascada de Ensueno		
	Utuado	P.R.	00641
	City	State	Zip Code
County	Puerto Rico		
Telephone Number	7875288049		
E-Mail Address	viralizy@hotmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person’s job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	MVM Inc.		
Job or Title (if known)			
Address	19775 Belmont Executive Plaza suite 400		
	Ashburn	VA	20147
	City	State	Zip Code
County	Loudoun		
Telephone Number	5712234500		
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name	Immigration and Custum Enforcemt		
Job or Title (if known)			
Address	800 Ave. Ponce de Leon		
	San Juan	P.R.	00907
	City	State	Zip Code
County	Puerto Rico		
Telephone Number	7877296969		

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

E-Mail Address *(if known)*

☐ Individual capacity      ☐ Official capacity

Defendant No. 3

Name

Job or Title *(if known)*

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)*

☐ Individual capacity      ☐ Official capacity

Defendant No. 4

Name

Job or Title *(if known)*

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)*

☐ Individual capacity      ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☒ Federal officials (a *Bivens* claim)
- ☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?



- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Yes, I was **discriminated** for been a woman.

I was not allowed to do my job without a male officer been present, instructed by PM Cluff.

I was forced to attend a female Cuban Protected Migrant because I am a woman and supervisor Ortiz refused to ask or hear anything related to female necessities.

I enrolled in the benefits of the 401(k) and was not paid the 401(k) because management stated that I was Puerto Rican.

At the Naval Base Hospital refused to do me the laboratory exams because the medical order I had was from a Spanish speaking doctor, claiming that Dr. Arce was not a valid doctor in America and that her doctor's credentials were not Certified under Federal standards.

**Negligence**

Incident regarding and orange and my allergies towards it. MVM took no action was taken to ensure my safety. Instead, I was fired; for not exposing myself to the orange inside the Phone Room because of my allergies, feeling discriminated and neglected.

MVM management gave verbal instruction and then forgets.

I had a broken tooth and was under severe pain. It was an emergency and I had to wait 3 months for a dentist appointment to be told it was broken. And 4 months to be fixed. Without consideration of the medical emergency, I was not allowed to travel to fix my tooth. I could not go to the emergency room at the hospital for treatment because of the extreme high cost of the medical bill. MVM management had not given me the insurance required information so that I can use the insurance I was paying.

MVM management had knowledge of my stress and headaches; no action was taken to stop wat was causing it, to help me.

MVM management had knowledge of the aggression of officer Richard towards other officers including me and did not prevent or stop the hostile environment.

PM Cluff has been hostile to me after the conversation with Mrs. Barbara Walrath when I informed her that I was work overload with supervisor responsibilities, officer task and motoring calls, lack of sleep and the situation with a Cuban Protected Migrant who was acting hostile towards me, among other things.

**Sexual Harassment**

Lt. Krul asked me to have sex with him both in person and in phone calls. I repeatedly declined.

**Work overload**

MVM management had knowledge that supervisor Ortiz refused to do his job and forced me to do supervisor responsibilities along with the officer's task and monitoring migrants calls and I was contract and paid as an officer and had knowledge I was stress and pressured and didn't do anything to relived.

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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**III. Statement of Claim**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
Migrant Operation Center, U.S. Naval Station Guantanamo Bay, Cuba

- B. What date and approximate time did the events giving rise to your claim(s) occur?  
From March 2023 to July 25, 2023.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Due to lack of supervision, the Cuban Protected Migrant Alexander Trujillo was allowed to handle the phone by himself and dialed his calls, calls beyond the established time limits and on also did his calls off schedule any time that he felt the desire to call, by the time of my arrival to the base. The monitoring call sheets were discussed with him. He even entered the phone room with a shirt indicating the detailed location of the base whenever he made video phone calls. For the safety of the base, shirts showing the location were not allowed, due to verbal instructions from management because the S.O.P.'s manual was not updated. When I began working at the base, management instructed me to follow all protocol and rules by the book SOP's and when given other verbal instructions that were given that were not at the rule books. Since I was doing my job as accordingly to the rulebook and verbal instructions from management, The Cuban Protected Migrant Alexander Trujillo did not follow the rules. Since my arrival he would retaliate with verbal aggression and at one point it escalated to the point where he threw a desk at my direction. He instigated his acquainted Migrants to also behave in an aggressive manner towards me at the phone room. Cuban Protected Migrant Yariel apologized to me in front of PM Cluff and the I.O.M. Director Jenny for his behavior in the phone room. Cuban Protected Migrant Yariel spent the days after the apology with I.O.M. personnel to avoid socializing with Cuban Protected Migrant Alexander Trujillo.

**(1) April 9, 2023**, Supervisor Aguilera, and I were in the Phone Room. The room is small. Cuban Protected Migrant Alexander Trujillo entered the Phone Room holding an orange. I told the Cuban Protected Migrant Alexander Trujillo that I am allergic to oranges, that he cannot enter of the room with the orange. He got hostile towards me and made hand gestures at my direction while yelling at me profane words and demanded that it was his right to make the phone call with the orange. I stepped out of the Phone Room to not expose myself to the orange any longer because I am allergic to oranges, and it was causing me difficulty to breathe. Supervisor Aguilera started the monitoring the phone call, and I went back to the officer post. After I told Cuban Protected Migrant Alexander Trujillo that I am allergic to oranges and after he finished his call, he walked up to me, invaded my personal space with the orange at hand with the intent to cause me a reaction and he yelled at me that he doesn't want me monitoring his calls. **Attached evidence the Incident Report and my Medical Report.**

**(2) April 11th, 2023**, while on my day off, I was walking between a minimarket and the hotel where I was staying when I encountered The Cuban Protected Migrant Alexander Trujillo and he approached me, he threatened me saying that he was going to end me. Days after the last encounter with Cuban Protected Migrant Alexander Trujillo, several other Cuban Protected Migrants entered the phone room smelling like oranges. To minimize my allergic reaction, I had no choice but to wear a facemask to be able to do my job monitoring the calls. My eyes still got irritated and itchy and I was constantly sneezing and wheezing. One of the Cuban Protected Migrant came up to me and apologized for the smell of oranges and explained that she was forced to do so. If she didn't do it, she would have problems with the Cuban Protected Migrant Alexander Trujillo.

I filed an incident report as instructed by management but beyond that, no disciplinary action was taken to ensure my safety.

**(3) By the end of April 2023**, Supervisor Ortiz began working at the Migrant Operation Center. This was his second time working in the Migrant Operation Center before as an officer. Since he didn't do his job, I was told by Management that I had to do the responsibilities of supervisor until management can solve the situation, in addition to that of a regular officer's duties and monitoring calls. These are not my position's duties and had to do.

I had to:

- (a) Receive and deliver the shift with its news if any, verbal and written in the Log Sheet.
- (b) Open the computer
- (c) Held and answer the mobile phone of the supervisors, since those in Management claimed not to understand Supervisor Ortiz. Two of three in management spoke and understood Spanish, PM Cluff and DPM. Tracy. And claimed that they did not understand supervisor Ortiz in Spanish or English. Supervisor Ortiz refused to answer phone calls.
- (d) Fill out paperwork to feed Unprotected Migrants.
- (e) Call and inform the LT. Krull if something unusual happened with the staff or any news of the shift
- (f) Manage the staff.



- (g) Pass down documents for the next shift.
- (h) Check supervisor email

In the **second week of May 2023**, I met with the LT. Krul letting him know it was too much workload for me, that I felt stressed and pressured, my hair was falling and had strong headache. That I had too many tasks for one person to handle efficiently. The supervisor spent the shift distracted on his mobile phone and did not fulfill his tasks as supervisor. All he did was monitoring the calls of Cuban Protected Migrant Alexander Trujillo as instructed by Management but, he did not enter the phone room while I was monitoring the others Protected Migrants even though Management instructed him to enter whenever I had to enter the phone room. It was an instruction for all supervisors with all officers.

**(4) On the first week of May**, officer Alvarez was on training. I was tasked by Lt. Krul to show Officer Alvarez how to do the count down. The countdown is a procedure to confirm all the migrants are present where they should be in the building or out. This is done officially twice a day. Everything was going smooth, we knocked on the doors, the Protected Migrants would answer either opening the door or verbally confirming their presence.

The only situation was when we knocked on Cuban Protected Migrants Alexander Trujillo and two other migrant's dorm door, there was no verbal response and no one opened the door. With the master key, I opened the door to confirm if the room was empty or not. I asked officer Alvarez to check the dorm room inside and gave him documents containing all the images of the Cuban Protected Migrants that were supposed to be in the dorm room so officer Alvarez could identify them. Officer Alvarez stepped out of the room and explained to me that he was not able to identify the only migrant in the room. As part of my job as an officer, I needed to finish the countdown, so I had to enter the room accompanied by Officer Alvarez and I identified the migrant. It was Cuban Protected Migrant Alexander Trujillo in the dorm room, in his bed. Protected Migrant Alexander Trujillo reacted hostile towards me by yelling at me and gesturing me to leave, stating that I couldn't enter the room. Protected Migrant Alexander Trujillo complained to PM Cluff about me entering the dorm room. Officer Alvarez and I tried to explain what happened to PM Cluff about how Officer Alvarez and I knocked on his door during the countdown, but Cuban Protected Migrant Alexander Trujillo refused to answer. PM Cluff questioned our credibility and instructed me that since I was a woman, moving forward I had to be accompanied by a male officer to do the countdown and after saying that, PM Cluff walked away. Officer Alvarez is a male officer.

**(5) May 10, 2023**, Once again I asked Management for the insurance information number required. Without having my insurance information number available and the high cost of medical assistance in the base, I had to call Dr. Arce in Puerto Rico to attend me. I was having difficulties breathing due to my allergy's complications. First, she had to discard it wasn't Covid, Microplasma or any other respiratory disease so she sent me a lab order for that. She also prescribed me 3 things that only 2 were given to me. Dra. Arce's credentials were questioned at the Naval Hospital due to her being a Spanish speaking doctor. I had to explain that Puerto Ricans are as Americans as the people born on the mainland and that her credentials are valid. It can be verified. Doctors need to pass federal examination to be able to work. The Labs were not allowed to be performed with the medical order I had been provided by Dr. Arce. I was referred to Vanessa Lerma Jones who was in charge of solving migrant situations. I received the insurance required number from DPM Tracy after constantly requesting it on July 16, 2023.

By July 24<sup>th</sup>, 2023, my medical bills were not available in the system for me in the hospital so I could not pay the Xray of the tooth, and the prescription before I left the Naval Base. **Attached evidence.**

**(6) May 20, 2023**, there was a serious situation in N.D.P.C. building. Water was pouring inside the building through the glass windows, water damaged electronic boxes. I informed supervisor Ortiz; he didn't know what to do. I sent a message to Lt. Krull, telling him what was happening. Lt. Krull arrived at the Migrant Operation Center, instructed the supervisor Ortiz to go with him to the N.D.P.C. Building but supervisor Ortiz refused. Then the Lt. Krull ordered me to go with him to the N.D.P.C. Building, I had to do supervisor job. I took pictures of the roof and window leaks and signed the repair sheets and inspected the repairs. **Attached evidence.**

**(7) Jun 7, 2023**, Cuban Protected Migrant Walquiria Veliz was ill, and I informed the supervisor Ortiz. He refused to talk to her because she was a woman and stated that I had to talk to her because I was a woman, her pain was related to vaginal issues. I informed Lt. Krul the situation with the supervisor Ortiz and Cuban Protected Migrant. I informed supervisor Ortiz that this incident needs to be on a written report. I informed Lt. Krul I also informed I.O.M. staff about the situation with the Protected Migrant Walquiria. I.O.M. staff took Cuban Protected Migrant Walquiria to the hospital



for urgent care. **Attached evidence.**

**(8) June 8, 2023,** feeling overworked and exhausted, I attempted to disassociate myself from the supervising tasks since I was just a regular officer and it was not part of my duties as officer, and management did nothing to relieve me of the supervisor duties. Officer Pan Opened the computer and the Log in for supervisor Ortiz. During the day supervisor Ortiz demanded that officer Pan to make him a "Pass Down" document for the next shift, but he refused to do it because it was not part of his responsibilities as an officer. On text messages send by Lt. Kul on June 8, 2023, showed a desire to help officer Pan, but not me.

Officer Pan and I met with Lt. Krull to complain about the situation with supervisor Ortiz not doing his job. This was my second time that I had complained to Lt. Krull about it.

By June 15, 2023, officer Pan was relocated out of the card A, he was now under supervision of supervisor Aguilera in card C. No changes were made for my part. I was still forced to do the additional tasks of a supervisor while not being a supervisor and the phone call monitoring while still doing my regular post as an officer, at the same time. On June 16, 2023, Officer Richard was transferred from card C to card A, in my card. I was aware that officer Richard has a record for not being a cooperative teammate and a respectful employee towards other officers, that has gotten several memos from Management because of her behavior towards others. Her hostility towards me caused me more stress. **Attached evidence.**

**(9) Jun 26, 2023,** Cuban Protected Migrant Alexander Trujillo left the Migrant Operation Center building without signing the Log sheet document that is required to be signed when entering or exiting the facility. While he was outside the gate, I made a hand gesture to indicate him to come in and sign. Cuban Protected Migrant Alexander Trujillo entered the gate screaming, swearing at me, and making hands aggressive hand gestures. I told him to lower his voice, that I am an officer, and he should show respect. That I was calling him because he forgot to sign the log sheet. Then he told me that I was nobody. Supervisor Ortiz put himself in the middle of us, to avoid that Cuban Protected Migrant Alexander Trujillo hit me, since he invaded my personal space. Cuban Protected Migrant Alexander Trujillo threatened me, saying that he would take care of me.

Next day I was inside the control room DPM Tracy entered and asked me what happened again with Cuban Protected Migrant Trujillo? I explained what occurred. DPM Tracy stopped at the door on his way out and he asked me if Cuban Protected Migrant Alexander Trujillo threatened me. I said yes, he said that he will take care of me.

**(10) June 28, 2023,** Lt. Krul requested to have sex with me over phone call. I declined. He has insinuated this before verbally in person. Whenever it happened in person, I evaded his harassments by claiming that I did not understand him because of a language barrier. I felt very uncomfortable. He apologized on message. **Attached evidence.**

**(11) June 29, 2023,** I was told by Lt. Krul on a phone call, that an employe called MVM headquarters and told them that Cuban Protected Migrant Alexander Trujillo claimed that I had deleted his photos from the phone, which I explained to Lt. Krull that it was a lie since I haven't monitored his calls since April. I reminded Lt. Krul that he had removed me from monitoring specifically Cuban Protected Migrant Alexander Trujillo's calls and supervisor Ortiz was assigned to monitor only Protected Migrant Alexander Trujillo's calls. I showed the Lt. Krul Cuban Protected Migrant Alexander Trujillo's monitoring calls file, that proves that I have not monitored Protected Migrant Alexander Trujillo since April. Also reminded Lt. Krul that according to the S.O.P.'s, messages and photos are not allowed. I am not the only officer handling the mobile phone. The I.O.M. Staff oversee maintenance of the mobile phone, and they take the mobile phone out of the Phone Room. That's an iPhone mobile phone and it has a backup system. All I have always done is follow management's instructions which kept changing every day and were causing mayor problems in the Phone Room; some days Protected Migrants are allowed to talk in Russian, the next day they are not allowed to. One they can see photos, read messages, and send messages, The next day, they can't. Receiving phone calls were prohibited, but other days they were allowed. Talking about other protected migrants outside of their family circle was prohibited but, on other occasions it was allowed. For example, Cuban Protected Migrant Adonis Roman utilized Protected Cuban Migrant Alexander Trujillo's personal information to complete a money transfer into Cuba over a phone call. It was allowed by



PM Cluff and I.O.M. Jenny. I told Lt. Krul that I didn't erase Cuban Protected Migrant Alexander Trujillo's photos from the phone. **Attached evidence.**

(12) Jun 30, 2023, I met with PM Cluff and had a conversation with him about the situation that Cuban Protected Migrant Alexander Trujillo was complaining about deleted photos, he assured me not to worry about it. That photos are prohibited. We also talked about other things.

- I could not access online my payroll information and that I had to wait for it to arrive by mail to Puerto Rico and then send to Cuba. Mail in Cuba arrives every 3 or 4 weeks. He will talk to pay roll.
- I had enrolled on the benefits of the 401(k) was never paid. That I was told by Lt. Krul that because I was Puerto Rican, I didn't get 401(k) plan. I can't do nothing about it PM Cluff replied. **Attached documents.**
- I expressed to him that I felt very stressed and pressured I was feeling strong headache and my hair was falling by all the extra tasks and responsibilities that were forced upon me supervising, my regular officer post and monitoring calls at the same time. When Officer Pan and I complained about the supervisor task, he got a reasonable accommodation while I got even more tasks. Officer Pan got relieved. Officer Pan got switched with officer Richard and she brought even more stress and pressure to me. Other officers just had to do the post and they were getting pay the same amount of me. I had to do the post, monitoring calls and supervisor responsibilities. He responded that I was contracted to do the monitoring calls and that I was the only Spanish speaker Hispanic. I replied saying that I was not the only one. Alvarez, Troche and Samaniego and the only difference is that I am a Female. Even officer Pan who is Asian American used and interpreter online to monitor the migrant's calls.
- That officer Richard had a hostile attitude towards all the officers including me, she had difficulties listening and operating the radio, forgets things, and couldn't see at night. I understand and respect her age, she is around 70 years old. I asked PM Cluff if he could understand why I was under so much pressure. He responded me that he was working with the supervisor situation, to not worry. About officer Richard, he can't fire her because she is the only creole speaker and of fear of her black race and age might get the company sued.
- I told PM Cluff my concern; I was told that Cuban Protected Migrant Alexander Trujillo was questioning around for my hotel room number. PM Cluff was very interested on who was the person that informed me. PM Cluff told me that if I don't tell him who was the person, he would not help me.

June 30, 2023, I asked for my contract, to confirm what PM Cluff had told me; that I was contracted to monitoring the calls. MVM headquarters and HR Ofelia Viesca had knowledge that I was doing supervisor responsibilities, officers post and monitoring calls. Mrs. Barbara Walrath already wanted to fire me. On July 12, 2023, supervisor Ortiz started working as an officer. (12) **Attached evidence.**

June 30, 2023, during the night shifts two situations happened with the Protected Migrants. At military time 2030 approximately, Cuban Protected Migrant Jose M. Rodriguez was inside the lady's room. Males were forbidden to enter. I informed the supervisor Ortiz; he claimed that it was OK for him to be there. By this date were only 4 Protected Migrants in the building. At 2130 approximately while I was doing the Migrant Operation Center building check when the second-floor door was suddenly opened, I heard and argument between Cuban Protected Migrant Jose M. Rodriguez and Walquiria Veliz. She had crutches on, and she was going down the stairs. Protected Migrant Alexander Trujillo heard the commotion and instigated Protected Migrant Jose M. Rodriguez to throw Cuban Protected Migrant Walquiria Veliz down the stairs.

July 1, 2023, once again, my credibility was questioned, and the words of the Cuban Protected Migrants were believed by management. I was also warned that if I.C.E. found out that if there were situations on the Migrant Operation Center building with the Protected Migrants, the contract will not be renovated between I.C.E. and MVM, and their job will be on jeopardy. The Cuban Protected Migrants said that they were joking around. The following day Cuban Protected Migrant Walquiria moved out of the Cuban Protected Migrants Jose M. Rodriguez dorm to a dorm by herself. **Attached evidence.**



(13) **July 3, 2023**, after having worked my 12-hour shift from 7:00 at night to 7:00 in the morning I walked back to the hotel room to sleep. Via phone call, P.M. Cluff order me to be back at the Migrant Operation Center building for a meeting between management, supervisor Ortiz and myself. P.M. Cluff began the meeting by asking me "how he could help me". I answered, "that's a good question". P.M. Cluff interrogated me about the incident with the Cuban Protected Migrant Alexander Trujillo, that if a report had been filed, which I replied yes, and the supervisor also said yes. And I even personally gave knowledge to the D.P.M. Tracy next day of the incident since he had asked me of the incident. The D.P.M. Tracy denied the conversation ever took place. They knew that there is a camera in the Control Room. All I felt was indignation and tiredness. In order not to continue the one side confrontation, I told them that to avoid constant management forgetting, that everything should be in writing to be recorded. And I left the meeting, and it was almost 12 noon, I went to sleep. I was exhausted. I had been awake for about 15 hours.

Later that same day I received a joined call from Mrs. Barbara Walrath who is Operation Manager and P.M. Cluff. Mrs. Walrath asked me if I wanted to continue working at the Migrant Operation Center in an aggressive manner. I replied that yes, I wanted stay working. Also, she asked me why I was causing problems at the Migrant Operation Center. I was instructed by PM Cluff to avoid situations or filing reports against Cuban Protected Migrant Alexander Trujillo because it will affect the negotiation of a new contract with I.C.E. I told her that I just called him to return to sign. I told her I was under stress, that I had supervisory responsibilities, Officer post and monitoring calls. The administration forgets everything, both instructions and reports, also the constant situations with the Cuban Protected Migrant Alexander Trujillo. That he complained with the PM Cluff, that from there on I couldn't do my job without a male officer accompanying me. Cuban Protected Migrants Alexander Trujillo's aggression and threats, which continued to escalate, and no disciplinary action was taken to solve the situation instead the situation keeps on escalated. Mrs. Walrath wonder why I hadn't called the police? I replied that I had never been a soldier this was my first time inside a military base. When I arrived in Cuba, I asked the P.M. Cluff what laws governed? He oriented me that Law 500, S.O.P. and other regulations. Ms. Walrath ordered me to call the police and make an incident report whenever the next situation occurred with the Cuban Protected Migrant Alexander Trujillo. At the same time, she stated that the Cuban Protected Migrant Alexander Trujillo had more to lose than me in my entire life, because of the situation in his country and that he was not going anywhere. I replied that there are no one better in the world than Puerto Ricans understanding their political situation and better welcoming the Cubans, whom we consider our brothers; but I would like to know were my safety stood. She showed no interest in my wellbeing by changing the subject.

She asked me for 2 examples in writing of supervision tasks and proves that the management was aware of the supervision situation. Finally, I asked her why officer Pan got relived of the supervisor responsibilities, I was not?

Hours later to clear my mind, I went out to eat from the Lee Ward area to the Wind Ward area with Officer Samaniego. LT. Krul called me repeatedly and sent me numerous messages. In the messages he tries to misrepresent what happened in the meeting and even questioned my desire in employment. At about 8:30pm approximately, I was at the bus stop with officer Samaniego next to me while I was on a call with Lt. Krul. Lt. Krul told me that I was going to be fired. I repeated by asking if I was fired? I hung up the phone and sent a message to P.M. Cluff asking if I was fired? The LT. Krul kept sending messages all night long.

On the messages it is clear to read that PM Cluff notified Lt. Krul that I told Barbara Walrath that I had evidence of management's knowledge about the supervisor issue and PM Cluff wanted me to be fired. **Attached evidence.**

(14) **July 5, 2023**, I arrived early as usual, I notified the supervisor Ortiz that I had a severe headache and that I needed to buy pills for it. Due to constant changes of orders, I had to inform and ask the LT. Krul for his permission to use the SUV to go to the mini market and buy the pills. I just couldn't walk 2 miles under the



sun and extreme heat temperature. Supervisor Ortiz scolded and mocked me, that I had to stay in the Control Room as punishment for 3 days I wasn't allowed to do motoring the calls of the Protected Migrants ordered by management.

When calling the LT. Krull to request authorization to use the SUV, I informed him of my headache, and he immediately hung up the call. I never got the chance to ask his permission to use the SUV to get the pills. He later appeared at the Migrant Operation Center building with his phone at hand, with Mrs. Walrath on speaker and Lt. Krul asked me insistently and attempting to misrepresent that I could not work the shift. I replied not to put words in my mouth. My head hurts but I just needed a pill. When I asked if I could use the SUV to get the pills. Mrs. Walrath interrupted me and stated me that if my head hurt, I could not be in the building and order me to leave and that the company took care of the hours. I asked her why I was punished, and she didn't answer. The SUV was used by all the employees to go to the mini market or the supermarket on the other side of the base, to the hospital, to the post office and to the beach.

**(15) July 13, 2023**, on my way on getting to the U-boat I saw in I.O.M. van parked at the dock with the Cubans Protected Migrants inside. I asked one of the crew members to keep an eye on me because I was alone and scared. I entered the boat, and it was empty. I sat down at the end of the boat. A few minutes later, Cuban Protected Migrant Alexander Trujillo entered the boat. Once he saw me, he headed towards me in a menacing fashion, invading my personal space. He stops right in front of me, never avoiding eye contact while glared at me. I was terrified, my knees were shaking, and I felt like my chest was getting tight and I couldn't breathe. After an uncomfortable amount of time, he moved and sat next to me, still glaring intensely at me. In the U-boat there were many available seats and alternative routes to take to seat. After he sat, more Cubans Protected Migrants and I.O.M. staff entered the boat. A boat crew member approached me and asked me to move because I looked terrified. I couldn't get up; I was so scared I couldn't walk or barely talk I could only say I was here first. The boat sailed its course.

I went to the Migrant Operation Center building and wrote an incident report. Then I walked to the hotel room. Using my mobile phone, I called 911 but since it was not an emergency, I was told to call 4105. I tried to call 4105, the call did not go through on the mobile phone. I tried to use the hotel room's phone, but it was not working.

I went back to the Migrant Operation Center building to use the phone, but I was asked by supervisor Murphy who was on the phone with PM Cluff, repeating the instruction that PM Cluff was giving for me. That I had to leave the building to make the call to the police so that I.C.E. wouldn't find out about the situation. When I went to my room, I received a joined call from HR Ofelia Viesca and PM Cluff regarding the boat incident, scolding me that why didn't I remove myself and that I had to avoid confronting Cuban Protected Migrant Alexander Trujillo. All the things that they said to me were related to the wellbeing of the Cuban Protected Migrant Alexander Trujillo, never once was I asked about my wellbeing. I was the one scared. I wrote another email to HR Leo Pacheco letting him know what had happen since he was investigating the sexual harassment. Nest day I call de police from the hotel's lobby line telephone. I made the police report. **Attached evidence.**

**(16)** Things with Officer Richard kept escalating out of control on her part. On **July 15, 2023**, she demanded in an aggressive tone that I picked up the keys of the post. During that night, she questioned why I was in the patrolling position was, leaving her post in the control room unattended. She demanded me to sit at the chair in the hallway and not to do the M.O.C. building check. She was not my superior and she was preventing me from completing my duties as an officer. I never treated her the way she treated me, I always treated her with the outmost respect.

On **July 16, 2023**, when I began my shift, I entered the control room. Officer Richard was angrily yelling and bickering with the supervisor Aguilera about how today phones were not allowed to be used within the facility by anyone. The door had a transparent glass panel and was slightly open and the yelling could easily be heard.



She made eye contact with me just as I was attempting to enter the room and she slammed the door at me, hitting my right arm. Supervisor Aguilera scolded Officer Richard and told her not to do that to me.

After that incident, on that same night, officer Richard ordered me to hand over my post keys to her, claiming that she was going to use the bathroom even though there was another bathroom available that didn't require any keys. To avoid her usual hostility towards me, I placed the keys in the table dividing us and told her in a calm manner to please return the keys in the desk when she returned from the bathroom. She swiped the keys away with attitude and left to the bathroom. When she was gone, I entered the control room, and I informed the situation to supervisor Aguilera and exited the control room. When officer Richard returned, she slammed the keys against the desk, entered the control room and suddenly the supervisor Aguilera headed towards me and informed me that Officer Richard claimed that I was neglecting my work and that I wasn't doing the M.O.C. building check and I wasn't notifying the radio. I responded that I am doing my work and explaining that it was a false accusation since everyone knows that she doesn't know how to handle the radio and that her audition is not good. Even Officer Troche has complained multiple times about officer Richard's lack of radio communication on that same night, also he can check the cameras to see that I was doing the work. During that hostile situation, I got a massive headache, and I notified supervisor Aguilera that I was in pain because of it, and he notified PM Cluff and Mrs. Walrath, which then instructed me to leave the building because of the headache. I was also told to wait until July 24, 2023, to return to work after talking to HR Ofelia Viesca.

July 19, 2023, before I wrote the incident report that happened on July 16, 2023. I saw and read the incident report that supervisor Murphy had made regarding the situation when I wasn't allowed to call the police 4105 switch board from inside the Migrant Operation Center. I was in shock because what he wrote wasn't what really happened. There are cameras in and out the Migrant Operation Center, inside the control room too that can give clarity on what events really happened. Also, its recorded on the 911 call. The incident report that I and supervisor Aguilera signed on July 19, 2023, report has an error on the date and time and that supervisor Murphy was reporting.

**(17) On July 24, 2023,** I received a joined phone call from Ofelia Viesca and Mrs. Walrath. Mrs. Walrath stated that MVM had terminated my employment, that during the day she was going to send me the travelling information to leave the base the next day all spences paid; She also stated that I was to return the hotel room clean and empty before checking out the day after. I was curious and shocked, so I asked her why I was fired. Mrs. Barbara Walrath said that because "I denied giving services to a migrant".

I had to pay the luggage's from Virginia to Puerto Rico. Even though, Mrs. Barbara Walrath toll me that there were tacking care of the luggage's. **Attached evidence.**

**(18) By July 25, 2023,** I was unemployed. I was affected physically, mentally, lack of income, and my career. Supervisor Ortiz was now lower into an Officer position. Officer Richard works as an officer. PM Cluff, DPM Tracy and Lt. Krul manage the Migrant Operating Center. No disciplinary action was taken towards Cuban Protected Migrant Alexander Trujillo.

Discrimination, Negligence, Hostile workplace, Sexual Harassment, and work overload.

My cellphone number and the phone are available for the court if needed to corroborate the information that I provided.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

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#### **IV. Injuries**

**March 21, 2023**, I announced Management that I broke my tooth, and I was in severe pain. I was ordered by PM Cluff to make a doctor's appointment at the Naval Hospital. When I called the Naval Base hospital, I was explained that the nearest appointment they had was for June 19, 2023, because the priority are the soldiers which I am not. When I told PM Cluff, he informed me to go to the emergency room which I replied that I didn't have the Insurance card. He grumbled to either go to the emergency room or to wait until July because that is when he stated that I'd have a week off days of sickness accumulated and the workplace wouldn't be affected by absence. Without insurance, the hospital bill is very expensive I explained to him. He told me not to talk to him about the subject again.

**May 5, 2023**, I sent an email to Jazmin García where I asked her for the medical insurance information and about traveling on medical appointments. **Attached evidence of conversation**

**June 19, 2023**, On the dentist appointment a Xray was taken, I was confirmed that my tooth was severely broken. That another appointment needed to be scheduled at a later date because I was not a soldier and soldiers had priority over civilians at the base.

**July 31, 2023**, Dr. Rosalie Quinones, took the Xray and repaired my tooth which relieved my pain. Evidence attached.



**V. Relief**

I request that I be reinstated to the job as an MVM officer in U.S. Naval Base Guantanamo Bay, Cuba in which I could do a 10-year career without repression and or monetary compensation of. \$1,500,000.00 USD.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: October 2, 2023

Signature of Plaintiff

Printed Name of Plaintiff

  
Virna Lisys Ruiz Rivera

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Signature of Attorney			
Printed Name of Attorney			
Bar Number			
Name of Law Firm			
Address			
	City	State	Zip Code
Telephone Number			
E-mail Address			